



Wake Forest Board of Commissioners Meeting Minutes

The Wake Forest Board of Commissioners met on **Tuesday, October 18, 2022** at 6:00 p.m. in the Board Room at Wake Forest Town Hall, 301 S Brooks Street.

Mayor Jones called the meeting to order at 6:00 p.m.

Mayor Jones led everyone in the Pledge of Allegiance.

Council Members Present: Mayor Vivian A. Jones, Commissioner Jim Dyer, Commissioner Chad Sary, Commissioner Keith Shackelford, Commissioner Adam Wright, and Commissioner Nick Sliwinski

Commissioner Members Absent: None.

Staff Members Present:

Town Manager Kip Padgett
Town Attorney Hassan Kingsberry
Assistant Town Manager Candace Davis
Assistant Town Manager Allison Snyder
Town Clerk Theresa Savary
Strategic Performance Manager Lisa Hayes
Strategic Performance Coordinator Shana Shallenberg
Planning Director Courtney Tanner
Assistant Planning Director Jennifer Currin
Long Range Planning Manager Brad West
Chief Financial Officer Aileen Staples

Downtown Development Manager
Jennifer Herbert
Downtown Development Specialist
Camryn Gutierrez
Benjamin Blevins Senior Budget Analyst
Engineering Director Joe Guckavan
Long Range Planning Manager Brad West
Senior Planner Patrick Reidy
Planner I Long Range Planning Antione Jordan
Police Captain Matthew May
Police Captain Brian Mote
Fire Chief Ron Early

1. Approval of Agenda

1.A. Approval of Agenda

ACTION:

Mover: Commissioner Sliwinski moved to approve the agenda as presented.

Secunder: Commissioner Wright.

Vote: Motion carried 5-0.

2. Approval of Minutes

2.A. Approval of Minutes:

- September 6, 2022 Work Session
- September 20, 2022 Regular Meeting

Commissioner Wright requested the September 20, 2022 minutes reflect that he voted “Nay” and not “Aye” on Case RZ-21-09, Hawthorne Wake Forest, Phase 2.

ACTION:

Mover: Commissioner Sliwinski moved to approve the minutes as corrected.

Secunder: Commissioner Wright.

Vote: Motion carried 5-0.

3. Presentations

Mayor Jones introduced new Deputy Town Clerk Ella Dowtin.

3.A. Proclamation Recognizing November 2022 as Family Court Awareness Month

PROCLAMATION

FAMILY COURT AWARENESS MONTH 2022

WHEREAS, the mission of the Family Court Awareness Month Committee (FCAMC) is to increase awareness on the importance of a family court system that prioritizes child safety and acts in the best interest of children, and;

WHEREAS, the mission at the FCAMC is fueled by the desire to create awareness and change in the family court system for the conservatively estimated, 58,000 children a year ordered into unsupervised contact with abusive parents, while honoring the hundreds of children who have been reported as murdered during visitation with a dangerous parent; to increase the awareness on the importance of empirically-based education and training on domestic violence and child abuse; to increase awareness on the importance of using scientifically valid, evidence-based, treatment programs and services that are proven in terms of safety, effectiveness, and therapeutic value, and;

WHEREAS, the mission at the FCAMC is to educate judges and other family court professionals on evidence-based, peer-reviewed research. Such research is a critical component to making decisions

that are truly in the best interest of children. This research includes The Adverse Childhood Experiences (ACEs) Study (co-principal investigator: Vincent Felitti, Kaiser Permanente-CDC); Child Custody Evaluators' Beliefs About Domestic Abuse Allegations (principal investigator: Daniel Saunders, University of Michigan, sponsored by the National Institute of Justice); and Child Custody Outcomes in Cases Involving Parental Alienation and Abuse Allegations (principal investigator: Joan S. Meier, GW Law School, sponsored by the National Institute of Justice), and; NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest do hereby declare the month of November 2022 as "Family Court Awareness Month".

I encourage all residents to support efforts to prevent the harm of children in the hands of family members and to honor and value the lives of children.

Mayor Jones recognized Family Court Awareness Month.

3.B. Proclamation Recognizing November 2022 as Native American Heritage Month

**PROCLAMATION
RECOGNIZING NOVEMBER 2022 AS
"NATIVE AMERICAN HERITAGE MONTH"**

WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today, and

WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational, and historical activities have been planned.

NOW, THEREFORE, I, Vivian A. Jones, by virtue of the authority vested in me as Mayor of the Town of Wake Forest, North Carolina do hereby proclaim November 2022 as

"Native American Heritage Month"

in the Town of Wake Forest and urge all our citizens to observe this month with appropriate programs, ceremonies, and activities.

Mayor Jones recognized Native American Heritage Month.

3.C. Introduction of Candidates for the Board of Adjustment and Planning Board

Mayor Jones recognized the Board of Adjustment applicants:

- William Hedrick (requesting a waiver)
- Rick Porter
- Mark Williams (ETJ)

Mayor Jones stated William Hedrick's is a returning candidate and is requesting a waiver to serve another term.

William Hedrick introduced himself to the Board of Commissioners and expressed his interest in service to the Board of Adjustment.

Mayor Jones recognized the Planning Board applicants:

- Michael Almquist
- Thomas Ballman
- Laurie Barrett
- Lindsey Humphreys
- Carla Payne
- Joseph Zimmerman

Thomas Ballman introduced himself to the Board of Commissioners and expressed his interest in service to the Planning Board.

Lindsey Humphreys introduced herself to the Board of Commissioners and expressed her interest in service to the Planning Board.

Carla Payne introduced herself to the Board of Commissioners and expressed her interest in service to the Planning Board.

Joseph Zimmerman introduced himself to the Board of Commissioners and expressed his interest in service to the Planning Board.

3.D. Presentation of Annual Reports from the Town's Advisory Boards

Vice-Chair David Bennett provided the annual report for the Historic Preservation Commission.

4. Public hearings / Public Comment

4.A. Presentation of and Public Hearing on CPA-22-03, Draft Town of Wake Forest Historic Preservation Plan Update

Senior Planner for Historic Preservation Michelle Michael presented the Historic Preservation Plan with a brief introduction and a review of the draft plan as well as the schedule and where they are in the process.

Commissioner Dyer commented he was excited to see the historical markers.

Commissioner Sary thanked Ms. Michael for all the hard work put into the plan. Commissioner Sary asked Ms. Michael if she could talk a little bit about the relationship between the revised Community Plan and the Historic Preservation Plan. Ms. Michael stated she was involved with the Community Plan as a staff person. She stated the Community Plan has several aspects that are related to historic preservation or heritage and character preservation.

Mayor Jones opened the public hearing and asked if anyone wished to speak on this item. No one spoke. Mayor Jones closed the public hearing.

A hardcopy of the draft Town of Wake Forest Historic Preservation Plan Update is filed in the Clerk's Office with the October 18, 2022 minutes.

4.B. Presentation of and Public Hearing on a Request by Dean Verhoeven to Designate his Building and Lot, known as the Tommy and Sue Byrne House, 442 Pineview Drive, Wake Forest, NC, as a Wake Forest Local Historic Landmark, HPC Case Number LL 22-01
Senior Planner for Historic Preservation Michelle Michael presented a Local Historic Landmark Designation application for the Tommy and Sue Byrne House located at 442 Pineview Drive, Wake Forest. She also provided a brief presentation on the Tommy and Sue Byrne House. Ms. Michael said the application was brought forward by Dean Verhoeven who is the property owner.

Ms. Michael stated the Historic Preservation Commission unanimously recommended approval at their September 14, 2022 meeting.

Mayor Jones thanked Ms. Michael and Mr. Verhoeven for bringing this before the Board.

Mayor Jones opened the public hearing and asked if anyone wished to speak on this item. No one spoke. Mayor Jones closed the public hearing.

4.C. Public Hearing to receive public input on capital needs for inclusion in the five year Capital Improvements Plan (CIP) update for 2023 - 2028

Mayor Jones asked if anyone wished to speak on this item. No one spoke. Mayor Jones closed the public hearing.

4.D. Public Comment: If anyone would like to address the Board of Commissioners on an item other than a public hearing item during the time of public comment, please sign up with the Town Clerk prior to the meeting. Each speaker is asked to limit comments to 5 minutes. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate Town Staff and may be scheduled for a future agenda. Thank you for your consideration of the Board of Commissioners, staff and other speakers.

The following citizens provided public comments:

- Dino Radosta is the owner and founder of White Street Brewing Company at 218 S. White St., Wake Forest. Mr. Radosta took a moment to talk about the proposed Social District and is against it at this point.
- Mike Visgauss, resides in Wake Forest and spoke about the need of residents supporting the local businesses and how local government could help.
- Brad Wynn with Norse Brewing Company of Wake Forest is in favor of a Social District in downtown Wake Forest.
- Bob Johnson stated he's representing 40-50 separate businesses at the Cotton Company and Los Margaritas in downtown Wake Forest. Mr. Johnson asked the Board to please consider the people they represent. They want to further the development of downtown Wake Forest, and this is a way to do it.
- Dave Lucey co-owner of page 158 Books of Wake Forest is in favor of the Social District.
- Margaret Watkins, 407 Belmellen Ct., of Wake Forest, spoke about the citizens academy and the importance of education. She encouraged the Town to hire someone to educate the citizens.
- Andrew Petesch, 127 W. Hargett St. of Raleigh, was in attendance to represent Eric and Kari Rush of 409 College St. and own a rental property located on E. Jones St. of Wake Forest. Mr. Petesch spoke about the noise ordinance. Mr. Petesch provided the Town Clerk with copies of the memorandum of analysis. He hopes the Board does take time to review the analysis and find something that works.
- Dana Lucero, 315 E. Jones Ave. of Wake Forest, said the one problem she's experienced is the amplified music at Norse Brewing. She said the amplified music shakes the walls and windows.

- Joe Gosselin a partner at Norse Brewing Company of Wake Forest said they want to be a place where they're all about beer, food, and family. He stated their sales are higher when they have music.
- Chuck Cargill of Wake Forest said he doesn't understand the noise ordinance at all. He loves hearing the music and it makes him feel Wake Forest is alive and thriving. He said you need to expect noise if you live downtown.
- Bob Johnson provided a historical perspective on the sound ordinance.
- Craig Johnson, 111 Abercrombie Rd., of Wake Forest enjoys the noise of the football games and the music at Joyner Park and loves the noise because it gives life and the option to grow.
- Mike Visgauss, 1521 Gracie Girl Way of Wake Forest, said when a business opens it should reflect some respect for the local community and the local residences.

Mayor Jones asked if anyone else had any public comments. No one came forward to speak. Mayor Jones closed the public comment.

5. Consent Agenda

A Consent Agenda is a group of items passed with a single motion and vote. These matters are of a generally routine nature. No debate is allowable on any item included on the Consent Agenda. If a Commissioner or any citizen of Wake Forest or its ETJ wants separate consideration of any item, it may be removed from the Consent Agenda by request.

- 5.A. Resolution to Accept Streets into the Town of Wake Forest Street System for Maintenance.
- 5.B. Approval of Appointments to Citizen Advisory Boards

ACTION:

Mover: Commissioner Dyer moved to approve the consent agenda as presented.

Seconder: Commissioner Sliwinski.

Vote: Motion carried 5-0.

6. Legislative Items

- 6.A. Consideration of an Ordinance Amending the Code of Ordinances Chapter 14, Article III, Section 14-66 thru 14-75 – Noise

Strategic Performance Manager Lisa Hayes stated staff came before the Board in August with a preliminary presentation on proposed changes to the noise ordinance. At the Board

of Commissioners request staff went back and reviewed the ordinance due to concerns with the decibel limits for residential use.

Ms. Hayes provided an updated presentation highlighting the proposed changes to the noise ordinance.

Commissioner Dyer asked what the decibel levels at Friday Night on White are. Ms. Hayes replied, it's around the 85-decibel range. The town has purchased additional noise measurement equipment and will be utilized during future events.

Commissioner Dyer asked how many noise complaints the town receives annually. Ms. Hayes replied, the town received 400 complaints and only three of those had to do with permitted events the rest were residential complaints.

Commissioner Sliwinski commented there are different experiences depending on your proximity to the noise. He said there are many variables and it's about weighing what is good across the board. How do we address those individuals in those one-off situations while not hindering everything else that's positive. Ms. Hayes replied, she doesn't have an answer to that with so many variables playing into it. Ms. Hayes stated if the police officers respond to a call and believe the noise is a nuisance and receiving substantiated complaints, they would have the ability to shut it down without taking a sound measurement.

Commissioner Sliwinski asked would the town play a role to mediate between the two parties. Attorney Kingsberry replied, when the police respond and ask the citizens to comply, most do comply, but if not, a citation would be issued. Attorney Kingsberry stated there will be a 2nd reading on the noise ordinance because there's a criminal penalty involved.

Mayor Jones asked what the previous decibel levels were for residential Ms. Hayes stated it was 60 dBA Monday – Sunday to 9:00 p.m., and between 9:00 p.m. and 9:00 a.m. it was 50 dBA. Mayor Jones asked if it's now 65 dBA. Ms. Hayes replied, correct. Mayor Jones asked if that is 24-hours a day. Ms. Hayes replied, correct. Mayor Jones asked if it's 75 dBA with business but with a permit it's up to 85 dBA. Ms. Hayes replied, that is correct and would be until 10:00 p.m. on a weekend.

Commissioner Dyer said they can still play music after 10:00 p.m. but not as loud. Ms. Hayes replied, it would have to be under 75 decibels.

Commissioner Sary stated there needs to be a more current and enforceable baseline. He believes the one they're currently working off is approximately 15 years old. Once this becomes adopted there's an educational period and if it's not working it can come back and

be amended. He believes they need to look at updating it and making it more of a modern ordinance.

Commissioner Wright commented how he enjoys hearing all the festivities and events going on in downtown. He stated the ordinance needs to be amended and he's in favor of the proposed changes.

Mayor Jones commented she's not opposed to the ordinance but pointed out there are different types of noises that occur, and some are prolonged noises versus only minutes.

ACTION:

Mover: Commissioner Wright moved to approve the Ordinance Amending the Code of Ordinances Chapter 14, Article III, Section 14-66 thru 14-75 – Noise as presented.

Secunder: Commissioner Dyer.

Vote: Motion carried 5-0.

6.B. Appointment of Candidates for the Board of Adjustment and Planning Board

Town Clerk Savary stated the following applicants were selected for the Board of Adjustment:

- William Hedrick (requesting a waiver)
- Rick Porter
- Mark Williams (ETJ)

Town Clerk Savary stated the following applicants were selected for the Planning Board:

- Michael Almquist
- Lindsey Humphreys

ACTION:

Mover: Commissioner Wright moved to approve as read into the record.

Secunder: Commissioner Dyer.

Vote: Motion carried 5-0.

7. Planning Items

7.A. Consideration of a Request by Dean Verhoeven to Designate his Building and Lot, known as the Tommy and Sue Byrne House, 442 Pineview Drive, Wake Forest, NC, as a Wake Forest Local Historic Landmark, HPC Case Number LL 22-01

ACTION:

Mover: Commissioner Sary moved to approve a Request by Dean Verhoeven to Designate his Building and Lot, known as the Tommy and Sue Byrne House, 442 Pineview Drive, Wake Forest as presented.

Secunder: Commissioner Wright.

Vote: Motion carried 5-0.

7.B. Consideration of CPA-22-03, Draft Town of Wake Forest Historic Preservation Plan Update

ACTION:

Mover: Commissioner Wright moved to approve the CPA-22-02, Draft Town of Wake Forest Housing Affordability Plan as presented.

Secunder: Commissioner Sary.

Vote: Motion carried 5-0.

7.C. QUASIJUDICIAL CASE SD-21-06 for a Major Subdivision and Site Master Plan for South White Street Townhomes filed by The Nau Company on behalf of the property owner, to subdivide ±7.98 acres located at 136 E. Holding Avenue and 720 E. Holding Avenue, being Wake County Tax PINs 1840388718 and 1840386367 moved to November 15, 2022 at request of applicant

Mayor Jones stated Case SD-21-06 has been moved to the November 15, 2022 Board of Commissioners meeting.

8. Administration and Financial Items

8.A. Consideration for Approval to amend the Town of Wake Forest Code of Ordinances Chapter 4, Article II

Town Manager Padgett stated that staff, police department staff, Attorney Kingsberry, and himself reviewed the ordinance and decided the ordinance should be repealed in its entirety.

ACTION:

Mover: Commissioner Sliwinski moved to approve to repeal the Town of Wake Forest Code of Ordinances Chapter 4, Article II in its entirety.

Secunder: Commissioner Wright.

Vote: Motion carried 5-0.

8.B. Social District Update for Wake Forest Downtown

Downtown Development Manager Jennifer Herbert provided an update on the Social District Update for Wake Forest Downtown. She provided an update on business owner support for the social district.

Mayor Jones asked if The Wake Forest Downtown was a unanimous vote. Ms. Herbert replied, no it was not, it was a 12-2 vote. Mayor Jones asked if the Chamber's Board of Directors voted. Ms. Herbert was not sure if the Chamber's Board of Directors took a vote. Town Manager Padgett stated he was at the last Chamber Board meeting and the Board took no action.

Commissioner Wright said many area towns/cities are already participating in social districts and has received positive press so far. Commissioner Wright said Wake Forest is growing and will become even a more vibrant downtown. He's willing to look at having a social district possibly on a Thursday, Friday, and Saturday. Commissioner Wright believes it would be a step in the right direction for the future of their town.

Commissioner Sary agreed with Commissioner Wright's comments. Commissioner Sary has experienced social districts in larger cities. He believes there's a lot of unknowns out there that we can learn from the good and bad. It's hard to compare Wake Forest with Raleigh, Durham, and Charlotte. He's not opposed to it but doesn't know if he's ready for it now.

Commissioner Sliwinski stated he's not opposed to this but we're going into that time of year where people aren't going to want to walk around outside with a drink in their hand. Is it a possibility to approve a social district and utilize it in special situations such as town events.

Commissioner Wright asked Commissioner Sliwinski if he'd be amenable to doing something on the weekends. Commissioner Wright wants to make sure they get it right. Commissioner Sliwinski said he's for it and as things come to downtown, he thinks it's a phenomenal idea. He doesn't know if they're at this point but he's not opposed to a social district.

Mayor Jones stated she doesn't see the purpose or advantage of it at this point.

Commissioner Shackelford stated he supports it. He doesn't think he'd vote against it because it may fail and not get used. He said with anything you have to give it a start, let it grow and develop. He said they can always come back and tweak it.

Commissioner Wright suggested a timeframe of a start date spring 2023.

Commissioner Sary stated he's uneasy about the size of the social district being proposed. He thinks they could make it about half the size and see how things go. Commissioner Sary said with some of those concessions (*smaller area, specific time, start in the spring, and a probation period where they get updates to see how it's working*) he could potentially get behind that.

Commissioner Wright asked if they could cutoff S. Brooks St. and extend it to include the Food Hall. Commissioner Sary is looking at it from a safety standpoint having to cross a heavily traveled road.

Commissioner Shackleford asked if they have to do the entire street. Ms. Herbert replied, no. She said they'll need signage on the district boundaries.

Town Manager Padgett said if it's the consensus of the Board is to continue exploring this Ms. Herbert can come back with a revised map for the Board's consideration.

Mayor Jones stated she agrees with Commissioner Sary and believes it's to large of an area for a social district. Mayor Jones is concerned about family-oriented events in downtown and people not respecting the boundary limits.

Commissioner Sliwinski asked if this would be policed on a regular basis. Ms. Herbert replied that will have to be a discussion with the police department.

Ms. Herbert will come back to the Board by the end of year.

9. Public Services Items

No Public Service Items presented.

10. Parks and Recreation Items

No Public Service Items presented.

11. Public Safety Items

No Public Safety Items presented.

12. Other Business

Mayor Jones asked the Board if they're interested in pursuing discussion regarding the road connection in Richland Hill Subdivision. The consensus of the Board was to pursue discussion with Richland Hills. Mayor Jones asked staff to provide the Board with a report about the history of the situation.

12.A. Department Monthly Report

Received.

12.B. CIP Project Tracker

Received.

12.C. Strategic Plan

Received.

12.D. Wake County Tax Release

Received.

12.E. Commissioner Reports

Commissioner Sary has a follow-up meeting concerning the wayfinding sign projects, attending the TJCOG Board Delegates meeting and the Public Arts Commission meeting next week, and will attend the B.W. Wells meeting.

Commissioner Shackelford attended the Wake Forest Community Table and attended the State of the County Address.

Commissioner Sliwinski attended a couple sessions of the Citizens Academy and attended the Mural Unveiling.

Commissioner Wright attended the Technology Advisory Board, he reminded everyone early voting starts on Thursday.

Commissioner Dyer attended the Historic Preservation Commission, attended the Wake Forest Community Table, will attend the B.W. Wells meeting, reminded everyone on the first Monday and the third Thursday evening there's a Veterans Coffee at the American Legion,

on November 5, 2022 the local VFW Post 8466 will be reading the names at the Vietnam Memorial at the Capital Building, the Senior Center is hosting an event to honor veterans on November 10, 2022 at the Renaissance Centre, Veterans Day is on November 11, 2022, the Garden Club is having their autumn festival this Saturday.

Mayor Jones attended the Wake Forest Community Table, State of the County Address, attended the Home and Garden Show at the Renaissance Centre, attended walk to school day at Wake Forest Elementary school, met with a cub scout group, met with Congressman Price, attended roundtable discussion at the Chambers, I-40 partnership meeting, B.W. Wells meeting, she informed the Board about the Tri-area ministry Stop Hunger Feed Hope Auction Benefit is scheduled on Friday, October 28, 2022 at the Sutherlands.


Town Manager Padgett forwarded an email to the Board regarding Richland hills.

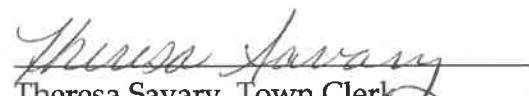
13. Adjournment

With no further business to discuss, the meeting was adjourned at 9:18 p.m.

Duly approved in open session this 15th day of November 2022.

(ATTEST)


Vivian A. Jones, Mayor


Theresa Savary, Town Clerk

